

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

Status of the Claims

After entry of present Amendment, claims 5, 6, 9, 11, 13-18, 20, 21 and 23-29 are pending in the present application. The Office Action is final. Claims 5, 6, 9, 11, 16, 27 and 28 have been amended and claims 12 and 22 cancelled without prejudice to or disclaimer of the subject matter contained therein. Claims 1-4, 7, 8, 10 and 19 were cancelled previously. Claims 15 and 16 have been withdrawn. Claims 5, 6, 9 and 11 have been amended as suggested by the Examiner in the Office Action. Claims 16, 27 and 28 have been amended to put them in better form and to correct typographical errors. No new matter has been added by way of the amendments.

Based upon the above considerations, entry of the present Amendment is respectfully requested.

Claim Objections

Claims 5, 6, 9, 11-14, 17-18 and 20-29 are objected to for various informalities. As claims 12 and 22 have been cancelled, the objections to claims 12 and 22 are now moot. The Examiner suggested amendments to the language of claims 5, 6, 9, and 11 in the Office Action to obviate these objections, and Applicants have made the suggested amendments as follows:

- 1) claims 5 and 6 have been amended to make them clearer;
- 2) claim 9 has been amended to move recitation of a polypeptide having a cleavage site between the 1605th Tyr and 1606th met of SEQ ID NO: 1 for ADAMTS-13 to the end of the sentence, and the phrase "wherein said polypeptide has 1605th Tyr and 1606th Met of SEQ ID NO: 1" has been added in front of the recitation in order to provide a proper antecedent basis for it; and
- 3) claim 11 has been amended to place it in proper dependent form.

In view of these amendments, Applicants respectfully request that the objections to claims 5, 6, 9, 11, 14, 17, 18, 20, 21 and 23-29 be withdrawn.

Issue Under 35 U.S.C § 112, First Paragraph, Written Description - New Matter

Claims 5, 17, 18 and 25-28 are rejected under 35 U.S.C. § 112, first paragraph, new matter, as failing to comply with the written description requirement. Applicants have amended claim 5 to recite “wherein the tag is attached,” instead of “wherein the tag is optionally covalently attached,” as suggested by the Examiner in the Office Action to obviate rejection of claims 5, 17-18 and 25-28 under 35 U.S.C. § 112, first paragraph, and Applicants respectfully request that this rejection be withdrawn.

Issues Under 35 U.S.C. § 102(b), Anticipation

Claims 11, 13, 14, 21 and 23-24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garfinkel et al., U.S. Patent No. 5,849,536 (hereinafter “Garfinkel”) as evidenced by Wu et al., PNAS, 2006, Vol. 103, pp. 18470-18474 (hereinafter “Wu”). In the Office Action, the Examiner suggests that rejection of these claims would be obviated by Applicants amending claim 11 to recite (language from cancelled claim 12) a tag attached at the N-terminal and/or C-terminal of the polypeptide, wherein the tag is selected from the group consisting of a glutathione transferase (GST) fusion protein, luciferase, beta-galactosidase, His tag peptides, coupling agents, radioactive labels, and chromophores. Applicants have amended claim 11, as suggested by the Examiner, and Applicants respectfully request the withdrawal of the rejection of claims 11, 13, 14, 21 and 23-24 under 35 U.S.C. § 102(b) as being anticipated by Garfinkel as evidenced by Wu.

Clarification of the term “coupling agents”

Applicants agree with the Examiner where, at page 6 of the Office Action, he states that the term “coupling agents” does not encompass peptides and/or polypeptides.

CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Stephanie A. Wardwell, Reg. No. 48,025, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: NOV 3 2009

Respectfully submitted,

By 

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